

## **REMARKS**

Claims 10–16 are pending in this application. Claims 13–16 are canceled herein for the purpose of rewriting. The claims stand rejected for being indefinite for failing to particularly point out and distinctly claim the subject matter that is regarded as the invention and as being anticipated. The individual rejections will be addressed below in the order presented in the Office Action.

### **Support for Claim Amendments**

The amendments presented above have been made to recite particular features of the inventions so as to expedite the prosecution of the present application to allowance in accordance with the USPTO Patent Business Goals (65 Fed. Reg. 54603, September 8, 2000). These amendments do not represent an acquiescence or agreement with any of the outstanding rejections.

Claims 10–12 are amended herein to incorporate elements of claim 13, to more particularly define the invention and to provide antecedent basis. Support for these amendments can be found throughout the specification and in the claims as originally filed.

### **I. Drawings, Specification and Claim Objections:**

The Examiner raises a number of objections to the abstract, the drawings and the specification, as well as claim 11. Applicants have made the appropriate corrections by proposing a correction to Figure 2 and providing amendments to the Abstract and Specification as requested by the Examiner. Furthermore, the amendments to claim 11 presented herein address the objections presented by the Examiner. In view of the foregoing, Applicants respectfully request a withdrawal of these objections.

### **II. Double Patenting:**

Claims 10–16 stand rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1–7 of U.S. Patent No. 6,322,761 (hereinafter the '761 patent).

In response to this rejection, Applicants submit herewith a terminal disclaimer in compliance with 37 CFR § 1.321 with respect to the '761 patent. Applicants note that the

submission of this terminal disclaimer in no way represents an acquiescence to the outstanding rejection or an acknowledgement that the subject matter of the pending claims is obvious over the cited claims of the '761 patent.

Accordingly, Applicants respectfully submit that the filing of a terminal disclaimer would obviate such a rejection with respect to claims 10–16. In view of the foregoing, Applicants respectfully request a withdrawal of this rejection.

### **III. Claim Rejections-35 U.S.C. § 112**

Claims 10–12 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Claims 10–12 are amended herein to recite, "...said injector comprising a suction port;" and "...said feed pipe is connected to a flow path between an end of said injector..." in order to provide antecedent basis.

In view of the foregoing, Applicants submit that the instant claims satisfy the requirements of 35 U.S.C. § 112, second paragraph and respectfully request that the rejections on this basis be withdrawn.

### **III. Claim Rejections-35 U.S.C. § 102**

The instant claims stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by U.S. Patent No. 4,931,260 to Molerus et al. (hereinafter the '260 patent). Claims 13–16 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Applicant's admitted prior art, and claim 13 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by U.S. Patent No. 4,612,404 to Thygarajan (hereinafter the '404 patent). Lastly, claim 13 stands rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent No. 5,746,926 to Ross et al. (hereinafter the '926 patent) and U.S. Patent No. 6,124,519 to Sako et al. (hereinafter the '519 patent). In light of the amendments to claims 10–12 and cancellation of claims 13–16, Applicants respectfully traverse these rejections.

The '260 patent does not anticipate claims 10–12 as amended. Regarding the embodiments of claims 10–12, at best the '260 patent discloses a fluidized bed reactor in which a recycling conduit **11** is connected to a connecting portion **16** which is intended to

communicate with the narrowest part of the injector 7. The '260 patent does not disclose or suggest the feed pipe being connected to the reaction vessel and the suction port of the injector for supplying water and sodium hydroxide therethrough as described in element b) of the invention. The cited patents do not disclose or suggest sodium hydroxide being present in the reactor in an amount of 1 to 2 moles per mole of PCB.

Moreover, the '260 patent does not teach the solution in the reaction vessel having a pH of from about 7.5 to about 13. This is a significant feature in that it minimizes or eliminates any excess sodium carbonate precipitating in the PCB decomposition reactor. Applicants incorporation of embodiments of claim 13 into claims 10–12 and cancellation of claims 13–16 render the instant rejections over Applicant's admitted prior art, the '404 patent and the '926 patent moot. Applicants note that the Examiner requested information about when the admitted prior art was known. Applicants have been unable to locate such a date: However, inasmuch as claims 13–16 have been canceled, such a response to the request is unnecessary. In view of the foregoing, Applicants respectfully request the rejections under 35 U.S.C. § 102(b) and (e) be withdrawn.781

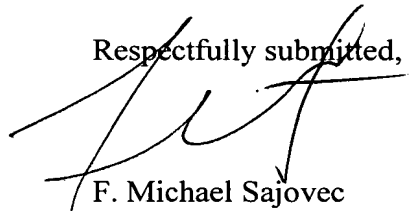
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#### IV. Conclusions

The points and concerns raised by the Examiner in the outstanding Office Action have been addressed in full, it is respectfully submitted that this application is in condition for allowance. Should the Examiner have any remaining concerns, it is respectfully requested that the Examiner contact the undersigned Attorney to expedite the prosecution of this application to allowance.

Applicants believe that no fee is due at this time. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220. Should the Examiner have any small matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



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